IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No. 22509 of 2003

Between:

1. B.Nagamani, D/o. Prabhudas,
A.P.Social Welfare Residential School-cum-Jr.College,

Nalakondapalli, Nelakondapalli Mandal, Khammam Dist.
2.D.P.Praveena, D/o. Narasimha Rao
A.P.Social Welfare Residential School-cum-Jr.College,

Nalakondapalli, Nelakondapalli Mandal,Khammam Dist.
3.K.Sreelatha, D/o. K.V.R.K.Acharyulu,

A.P.Social Welfare Residential School-cum-Jr.College,

Nalakondapalli, Nelakondapalli Mandal,Khammam Dist.
4. M.Pushpavalli, D/o. M.J.Williams,

A.P.Social Welfare Residential School-cum-Jr.College,

Nalakondapalli, Nelakondapalli Mandal,Khammam Dist.
5.G.Francis, S/o. Guravaiah,
A.P.Social Welfare Residential School-Cum-Jr.College,

Paloncha, Khammam Dist.
6.K.Lalitha Kumari, D/o. Elaiah,

A.P.Social Welfare Residential School-Cum-Jr.College,

Paloncha, Khammam Dist.
7.V.Bose, S/o. Venkaiah
A.P.Scoal Welfare Residential School-Cum-Jr.College,

Annapureddipalli, Khammam Dist.

8.K.kishore, S/o. Venkaiah,

A.P.Social Welfare Residential School-Cum-Jr.College,

Paloncha, Khammam Dist.
9.N.Prasuna, D/o. N.A.Suryanarayana,
A.P.Social Welfare Residential School-cum-Jr.College,

Narasampet, Warangal Dist.
10.Ch.Rajeshwari, D/o. Jayalingam.
A.P.Social Welfare Residential School-Cum-Jr.College,

Parkal, Wanragal Dist.
11. A.Rinadhari Devi, D/o. Venkateshwara Rao,
A.P.Social Welfare Residential School-Cum-Jr.College,

Khammam, Khammam Dist.
12. G.Arunodaya, W/o. Ananda Rao
A.P.Social Welfare Residential School-Cum-Jr.College,

Mahaboobabad, Warangal Dist.

13. P.Sailaja, D/o. Sambi Reddy,
A.P.Social Welfare Residential School-Cum-Jr.college,

Luxettipet, Adilabad Dt.
14.G.Mercy Neeraja, D/o. Satyanandam,
A.P.S.W.Residential School-Cum-Jr.College,

Indaram, Adilabad Dist.
15. L.Sarala, D/o. Venkateshwara Rao,
A.P.Social Welfare Residential School-Cum-Jr.College,

Luxettipet, Adilabad Dist.
16.A.Madhavi, D/o. Adi Reddy,
A.P.Social Welfare Residential School-Cum-Jr.College,

Luxettipet, Adilabad Dist.

..... PETITIONERS.

AND

1. A.P.Social Welfare Residential Educational Institutional Society (Regd), rep.by its Secretary, Masab Tank, Hyderabad.
2.The Government of A.P., rep.by its Prl.Secretary, Social Welfare Dept.-cum-Chairman, APSWREIS, Secretariat Buildings, Saifabad, Hyderabad.

.....RESPONDENTS.

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of mandamus, declaring the action of the respondents in not absorbing the petitioners herein in the regular vacancies of the first respondent society and issuing

a notification dated 30/6/2003 for direct recruitment of teachers in the first respondent society before regularisation of the contract teachers, who have completed 5 years of service and above is illegal, arbitrary, unjust, discriminatory, thereby violative of Articles 14, 16 and 21 of the constitution of India and also violative of Society's Standing Order No.40 of 1996, dated 11/12/1996 and issue a consequential direction to the respondents to regularise the services of the petitioners herein in terms of SSO No.40 of 1996, dt.11/12/1996 in the existing posts of resident teachers, i.e., Trained Graduate Teachers without reference to the notification dated 30/6/2003 and the revised guidelines.

Counsel for the Petitioners: Mr.K.R.PRABHAKAR

Counsel for the Respondents : Mr.VIJAYA BHASKAR MOOLA FOR R.1

STANDING COUNSEL FOR APSWREIS.

GOVT.PLEADER FOR SOCIAL WELFARE

FOR R.2

The Court made the following :

ORAL ORDER:

The petitioners filed this writ Petition and obtained an interim direction in W.P.M.P.No.28132 of 2003, dated 24-10-2003 to continue them in service pending further orders.

It is stated that against similar interim orders in W.P.M.P.No.17199 of 2003 in W.P.No.13873 of 2003, Writ Appeal No.350 of 2004 was filed and a Division Bench of this Court comprising of Hon'ble the Chief Justice and Hon'ble Dr. Justice G. Yethirajulu disposed of the same by judgment dated 23-02-2004 directing the respondents to consider the proposals submitted by the A.P. Social Welfare Residential Educational Institutions Society ('the Society').

Learned counsel for the petitioners submits that the writ petition may be disposed of

in terms of the judgment of the Division Bench in Writ Appeal No.350 of 2004.

On the other hand, learned Standing Counsel for the Society submits that proposal had been submitted to the Government by the respondent-Society on 20-9-2000 for examining the possibility of regularisation of services of contract Teachers and a separate proposal was also submitted to the Government subsequently through letter dated 13-8-2002 seeking permission to fill up certain vacancies on regular basis and also to regularise the services of Teachers working on contract basis. The Government, through its letter dated 21-8-2002 directed to fill up only 50% of the vacancies on regular basis and remaining vacancies on contract basis. It is further stated that on the proposal of regularisation of contract Teachers, no orders have yet been communicated to the Society.

The petitioners, who are contract teachers, are being continued for the last more than eight years and in the meanwhile the process of filling up 50% of the vacancies has been commenced which gave rise to the grievance of the Teachers working on contract basis on the ground of legitimate expectation of being regularised. Pursuant to the interim directions granted by this Court, the petitioners are being continued in service.

In view of the judgment of the Division Bench of this Court in Writ Appeal No.350 of 2004, learned counsel for both the parties submit that the writ petition can be disposed of in terms of the said judgment. They also submit that this Court disposed of W.P.No.18323 of 2003 on 19-7-2004 in terms of the directions issued by the Division Bench.

In view of the same, the writ petition is disposed of directing the Government to consider the proposals submitted by the Society for regularization of the petitioners in existing vacancies by suggesting a formula or a scheme and such a decision should be taken within a period of three months from the date of receipt of a copy of this order and the same shall be communicated to the Society thereafter, so as to avoid unnecessary hardship to the Teachers employed on contract basis. No order as to costs.

12th August 2004. **(V. ESWARAIAH, J.)**

ARS

To

1. Secretary A.P. Social Welfare Residential Educational Institutions Society(Regd), Masab Tank, Hyderabad.
2. Principal Secretary Government of Andhra Pradesh, Social Welfare

Department, Secretariat, Hyderabad .

3.Two C.Cs to Govt. Pleader for Social Welfare, High Court Bldgs., Hyderabad (OUT).

4.Two C.D. Copies.